

## **Gubernatorial Emergency Declaration Committee**

### **January 14, 2008, Minutes**

Sierra Nevada College

999 Tahoe Boulevard

Incline Village, NV

#### **1. Call to Order (1:45 p.m.)**

##### **a. Roll Call.**

Kate Dargan – Present

Sig Rogich – Present

Committee Legal Support

Christine Sproul (CA) – Present

Robert Kilroy (NV) – Present

#### **2. Continue discussion on suitable findings to support an emergency declaration.**

Reviewed the minutes, recapping the last meeting using the notes presented to the Commission on December 14, 2007

- How do we justify an Emergency Declaration (ED) to the Governors' or the President prior to an event occurring?
- Why should there be an ED for the Basin vs. everywhere else?

Question to NV legal – Is requested review work ready for today's meeting?

NV Council: Was unable to find what we were looking for. All Emergency Declarations on the Nevada side deal with present threat not future. CA Legal may have something.

The commission wants to see the Emergency Declaration Committee re-chartered to include additional members and additional subjects

There are bigger policy issues

Questions concerning

- How the government structure works in the basin
- Emergency, temporary and permanent funding for basin needs
- Statutory authorities that want to be changed or legislative charter

There exist an emergency situation in the Tahoe Basin that warrants an Emergency Declaration under the powers..... State what the ED should say and why

The following is a recap of an open discussion:

Let's define emergency measures (funding, legislation, and changes to existing entities) for the purpose of getting them changed into findings and recommendations

## January 14, White Board Notes

### Tasks

1. Write a F&R for ED
2. Strategize the Committee
3. Develop Findings and Recommendations for  
Legislation  
Funding  
Authorities

### ED Justification F&R

What Request to Governors' / President to "Declare and Emergency due to  
Implement the TFCCommission Findings & Recommendations .  
Community Safety  
Lake Protection  
Watershed / Forest

Why Reasoning – Previous / Precedent  
Authority  
Legal / logic

How Included: Funding --- State Legislative Recommendations  
Stat / Regulatory Authority - Compact  
"Project Priorities" - Government Structures

When Duration Until.....When  
(Who Tracks?)

### Questions

- ✓ Who handles \$
- ✓ What Potential Revenue Sources
- ✓ How distributed

I-----Federal-----State-----Local

\$ SNPLMA, Prop 40, FED - USFS

## TASK

1. a. Master "Fire Plan"  
b. Implement Existing Regulations (Fuels)
2. ID and create G.O Structure
3. ID and secure funding sources
4. Develop "Creative capacity"
5. Transfer to sustainable process

Federal funds may come from one or more sources to a single federal agency, then distributed to one or more local players for the hiring and the purchasing of needed equipment. Additional question regarding the funding are:

Who would do the purchasing and hiring?

What are the impediments to distributing the funds in a timely manner?

The distribution of funds to individuals is different than to government agencies. Will have to look at what needs to be accomplished and how best to distribute the funds.

Another suggestion for funding is to use federal funds to leverage funds with the State and local governments then with the Homeowners Association, Fire Districts and Departments. The benefits to entities would equal what they put in the pot.

From a public fire safety stand point, Urban Interface issues have been driven in one direction, fuels treatment. This is how the US Forest Service deals with interface issues nationwide. This does not address the play between fuels and structures, building code changes, public education changes, how we fight fires, equipment needed, and technology tools used/needed to fight fires.

The Tahoe Restoration Plan represents fuels projects not a fire protection (suppression). Fuels is just one component of an over all fire safety perspective, we still need to addressed the other types of mitigations, other types of public educations, or individual home owners defensible space cost

What can home owners do? (Roof, Siding, Defensible Space, Windows and Fuel break)  
And how to get them to do it?

- New regulations to get people to change their roof
- Incentives to make the changes (Possible avenue - SNPLMA money to State, from the State to the County for tax rebate to home owners for new roofs, defensible space, windows, etc. This would be for a period of time)
- Deadlines - 10 – 20 yrs; or mostly 10 years or point of sale.

When we talk about things going on for years, at what point is it no longer an emergency? What is the duration of the Emergency? Is the emergency only for today or until the hazard has been abated to a certain level of risk. There are several benchmarks that can be used.

Tahoe also has absent land owners and some are vacant/unimproved lots. A lot of the land in the basin is unimproved public land owned by the Conservancy or land held as open space. In California, Resource Code 4291 provided for 30' Defensible Space around structures; some counties have applied 4291 to unimproved land.

The ED is a vehicle to implement the Findings and Recommendations of the Commission, and every recommendation should be working toward reducing the hazard. One of the F&Rs recommended is that a group be crafted of elected officials (not an existing agency) to oversee the implementation of this ED, officials that are accountable to the public.

Presently there are funds that can be competed for, but what is needed, is sustainable long term funds specifically for the basin; and an entity to manage the funds, to address fire issues and other basin concerns that are outside the jurisdiction of the TRPA. In forming the group we have to remember that 90% of the land is federal.

Local governments, Firesafe Councils, Fire Districts with their varying regulations do not have the fire prevention expertise or the regulatory authority needed to serve as oversight. The suggestion was made we work with TRPA and LRWQCB, not as the oversight entity, but for regulatory changes, and in the planning process; this would help in the permit and implementation process.

Short of both states going to their legislatures and congress to change the compact; both states can use their joint powers ability under existing state law to form an entity on each side of the basin to look at coordination of fire response and fuel treatment in a consistent way; and to have the federal agencies to participate.

Possible solutions:

- Changes to TRPA Compact Authorities
- Oversight committee to handle funds and Commission recommendations
- Fire Prevention Plan for the basin (needed for all parties to work together)
- Give existing entities what they need and a chance to get the job done

### **3. Discuss proposed alteration of Committee's scope of work and membership; and possible name change to Legislative and Funding Policy Committee**

Report for January 15 (Commission agenda item 5c), we would report that the committee discussed and agreed (with a unanimous vote of 2) to:

1. Proceed in developing an ED Finding and Recommendation that includes these items (Jan 14, Committee White Board notes, page 2)
2. Re-charter the committee to include Policy, Funding and Legislation, with additional membership

#### **4. Other Findings and recommendations – Discussion**

Committee has been assigned four findings and Recommendations (Listed below) no specific discussion occurred.

- V-002 A mechanism should be established to ensure that the Governor's approved recommendations from the Commission be implemented and maintained over time.
- V-003 Funding for forest health & fire suppression for Lake Tahoe Basin is insufficient and a long-term, stable source of funds is needed.
- V-004 The unique quality of Lake Tahoe is dependent on protection from catastrophic wildfires.
- V-006 The ability to manage forest fuels is impeded by economic factors unique to the Tahoe Basin.

Suggest that this committee also submit an F&R on the issue for continuing oversight. This would cover Mr. Rogich request that the Commission form a committee to report to the two Governors' every two year on implementation of those items recommended.

#### **5. Adjournment**

**January 14, 2008  
Sign-in Sheet**

**Name**

**Agency / Organization**

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